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I hereby certify that this correspondence is being transmitted by facsimile addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, (Fax No. 703-872-9306 on:

February 17, 2004*Elaine K. Mistretta*

Elaine K. Mistretta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Appln No. 09/335,851
(Attorney's Docket No. H-205168)

Filed: June 14, 1999

Nickolas Edward Sargent, et al.

Group Art Unit 1722

**REMOVING LOST FOAM PATTERN
COATING RESIDUE FROM A CASTING**

Examiner Kuang Lin
(Fax No. 571-273-1179)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Arlington VA 22313-1450

**PETITION TO REVIVE PATENT APPLICATION
FAILURE TO PAY ISSUE FEE UNINTENTIONAL
(37 C.F.R. §§ 1.137(B) AND 1.316)**

Sir:

1. Applicants petition for revival of this application.
2. Nature of Abandonment:
 - a) No communication from the PTO after Corrected Filing Receipt dated 08/27/99 and Notice of Recordation of Assignment dated October 25, 1999.
3. Date of Filing of this Petition After Abandonment:
 - a) More than one year after abandonment.
4. The delay in payment of the Issue Fee was unintentional. The entire delay from the due date in paying the required issue fees until the filing of this petition was unintentional, 37 C.F.R. § 1.137(b)(3).

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5. Payment of the Issue Fee (37 C.F.R. § 1.137(b)(1)):

- a) The Issue Fee then in effect is paid herewith (Regular patent, 37 C.F.R. § 1.18(a), large entity):
- | | |
|------|-----------|
| Fee: | \$1240.00 |
|------|-----------|

6. Petition fee (35 U.S.C. § 41(a)(7) and 37 C.F.R. § 1.17(m))

Application status is:

Other than small entity: \$1,330.00

Issue fee: \$1,240.00

Total issue fee and petition fee to be paid: \$2,570.00

7. Payment of total fee:

- a) Authorization is hereby made to charge the amount of \$2,570.00 to General Motors Corporation Deposit Account No. 07-0960.
- b) Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

8. Because this Petition is more than 1 year after the date of abandonment of the application, Applicants' attorney additionally submits further information as to when she first became aware of the abandonment of the application as follows:

- a) On February 10, 2004, Applicants' attorney's assistant called the Patent Office Customer Services to inquire about the status of the subject application since the inventors were wondering about their patent and two prior written Status Inquiries (see below) had never been answered.
- b) The assistant was informed that the application was abandoned and was advised to call the Office of Initial Patent Examination (OIPE) to obtain additional information as to why the application had become abandoned.
- c) The assistant then called the OIPE who informed her that the application had become abandoned due to failure to pay the Issue Fee. After further questioning, the OIPE gave the assistant the phone number of Examiner Kuang Lin who had prosecuted the case and who had issued the Notice of Allowability.
- d) The assistant then called Examiner Kuang Lin to explain the situation and informed Examiner Lin that Applicants' attorney had not received the Notice of Allowability; had not received the Notice of Allowance and Fee(s) Due; and finally, had not received a Notice of Abandonment from the PTO.

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- e) Examiner Kuang Lin explained to the assistant that according to his records:
 - i) the case was docketed to the Art Unit on November 5, 1999;
 - ii) he reviewed the case on November 18, 2000;
 - iii) the Notice of Allowability was issued November 21, 2000; and
 - iv) that the case went abandoned on March 30, 2001 for failure to pay the Issue Fee.
- f) The assistant explained to Examiner Lin that Applicants' file contains the following documents:
 - i) the filing receipt dated 07/14/99 and received in this office on July 19, 1999;
 - ii) Notice to File Missing Parts of Application mailed 07/14/99 and received in this office on July 19, 1999;
 - iii) Applicants' submission of the missing parts and filing fee, and Information Disclosure Statement on August 18, 1999;
 - iv) Applicants' submission of Assignment documentation on 18-Aug-99;
 - v) Corrected Filing Receipt mailed 08/27/99 and received in this office on September 1, 1999;
 - vi) Notice of Recordation of Assignment Document dated October 25, 1999 and received in this office on November 8, 1999;
 - vii) Change of Correspondence Address Application form (PTO/SB/122 (10-00)) dated March 6, 2002 (copy attached);
 - viii) Status Inquiry mailed March 7, 2002 (copy attached) but not responded to by the PTO;
 - ix) Status Inquiry/Second Request mailed August 28, 2002 (copy attached) but not responded to by the PTO.
- g) Examiner Lin stated that he would order the file so that he could review its contents and requested the assistant to call back in a week.
- b) On February 12, 2004, Examiner Lin called this office and suggested that this Petition for Revival be prepared listing all the facts presented to him over the phone.

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9. Terminal Disclaimer

- A. This utility application was filed after June 8, 1995 and no terminal disclaimer is required.


Conclusion

In view of the above facts showing that:

1. Applicants' attorney had no knowledge of the Notice of Allowability;
2. Applicants' attorney had not received the Notice of Allowance and Fee(s) Due;
3. Applicants' attorney had not received a Notice of Abandonment; and
4. Applicants' attorney had not received a response to either Status Inquiry,

Applicants believe that this Petition to Revive for unintentional failure to pay the issue fee should be granted.

Respectfully submitted,


Kathryn A. Marra, Attorney
Reg. No. 39106
313/665-4808

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Attachments 3